

Regulating natural radiation in oil and gas production
(HB 3183 by McWilliams/Ratliff)

DIGEST: HB 3183 would have given the Texas Railroad Commission (RRC) the exclusive authority to regulate and set standards for naturally occurring radioactive materials (NORMs) in the production and exploration of oil and gas through Aug. 31, 1989. The RRC standards would have to have been as consistent as possible to those adopted by the health department. The RRC would have coordinated regulation of NORMs with the health department and the water commission. The bill would have required a permit from either the RRC or the health department for activities connected with NORMs. The RRC permits would have expired on Aug. 31, 1989. The RRC would not have had the authority to license off-site storage, processing or disposal of NORMs.

GOVERNOR'S
REASON
FOR VETO:

This bill would grant the Railroad Commission the exclusive jurisdiction over naturally occurring radioactive materials related to the production of oil and gas. Currently the Bureau of Radiation Control within the Texas Department of Health has exclusive jurisdiction over all aspects of such radioactive materials, including their disposal. Shifting this responsibility to the Railroad Commission will require it to hire staff who have a background in the regulation of radioactive materials, duplicating the staff already at the Bureau of Radioactive Control. It would also fracture regulatory authority in this area and result in an unnecessary duplication of effort.

RESPONSE:

Rep. Jim McWilliams, the author of HB 3183, said, "The governor's advisers obviously did not read the bill or did not understand it if they read it." The health department has not yet issued any rules and regulations regarding NORMs. The railroad commission was going to promulgate rules on an issue of importance to the oil and gas industry that the health department has not even dealt with yet. NORMs have a negligible amount of radioactivity. In fact they have only recently been able to measure NORMs because the sensitive sophisticated measuring equipment has only been invented. This bill would have allowed the oil and gas industry to handle NORMs at the workplace. By vetoing this bill, the oil and gas industry will have

to pay to have tons of dirt with a negligible amount of radiation transported to Utah. This is an unnecessary expense for an industry in hard economic times, Rep. McWilliams said.

NOTES:

The House Research Organization analysis of HB 3183 appeared in the May 20, 1989 Daily Floor Report.